UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,296	06/24/2003	Richard James Humpleman	SAM1.PAU.14.C	2879

23386   7590   06/11/2008
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ART UNIT	PAPER NUMBER
2152	

MAIL DATE	DELIVERY MODE
06/11/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/606,296	HUMPLEMAN ET AL.
	Examiner	Art Unit	
	PHILIP C. LEE	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>26 March 2008</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>9-36</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>9-36</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>3/26/08</u>.
4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application
6)☐ Other: _____ .

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/26/08

has been entered.

2.   Claims 9-36 are presented for examination and claims 1-8 are canceled.

3.   The text of those sections of Title 35, U.S. code not included in this office action

can be found in a prior office action.

Claim Rejections – 35 USC 101

4.   Claims 22-36 are rejected under 35 U.S.C. 101 because "A home network

system" comprising a server device and a client device (i.e., software) does not include

any functional structure of a system (i.e., an apparatus). An apparatus comprising

software is considered as program per se, which is not one of the categories of statutory

subject matter.

Claim Rejections – 35 USC 102

5.   Claims 9-11 and 22-24 are rejected under 35 U.S.C. 102(e) as being anticipated

by Venkatraman et al, U.S. Patent 5,956,487 (hereinafter Venkatraman).

6.   Venkatraman was cited in the previous office action.

7.   As per claim 9, Venkatraman teaches the invention as claimed for a server device

(10,

50-52, fig. 2) to communicate with a client device (40, fig. 2) in a home network (fig. 2),

comprising the steps of:

(a) sending server device characteristic data (col. 3, lines 34-42) in response to a first

request signal generated by said client device (col. 6, lines 1-5, 10-26) (sending web page

18 that reflect the state of information and control buttons for the device in response to

HTTP command from web browser);

(b) receiving a second request signal requesting a web page contained within said server

device and associated with a server device control (col. 3, lines 43-45; col. 7, lines 15-

22), wherein said second request signal is generated in response to said server device

characteristic data (col. 7, lines 5-22; col. 8, lines 38-44) (device must receives a HTTP

signal corresponding to the selection of a hyperlink on webpage 18 requesting web pages

located internal to the device); and

(c) sending said web page in response to said second request signal (col. 7, lines 5-17)

(directing browser to other web pages).

8.   As per claim 22, Venkatraman teaches the invention as claimed comprising:

a server device (10, 50-52, fig. 2);

a client device (40, fig. 2) connected to the server device via a home network (fig. 2);

and

a control protocol for the server device to communicate with the client device (col. 6,

lines 1-5) by:

sending server device characteristic data (col. 3, lines 34-42) in response to a first

request signal generated by said client device (col. 6, lines 1-5, 10-26) (sending web

page 18 that reflect the state of information and control buttons for the device in

response to HTTP command from web browser);

receiving a second request signal requesting a web page contained within said server

device and associated with a server device control (col. 3, lines 43-45; col. 7, lines

15-22), wherein said second request signal is generated in response to said server

device characteristic data (col. 7, lines 5-22; col. 8, lines 38-44) (device must receives

a HTTP signal corresponding to the selection of a hyperlink on webpage 18

requesting web pages located internal to the device); and

sending said web page in response to said second request signal (col. 7, lines 5-17)

(directing browser to other web pages).

9.   As per claims 10 and 23, Venkatraman teaches the invention as claimed in claims

9 and 22 above. Venkatraman further teach wherein:

        step (a) further includes the steps of sending (by the server device) said server

        device characteristic data to the client device (col. 6, lines 8-12; col. 7, lines 1-7);

step (b) further includes the steps of the client device receiving said server device

characteristic data and generating said second request signal in response to said

device characteristic data (col. 7, lines 5-17); and

step (c) further includes the steps of sending (by the server device) the web page

to the client device in response to said second request signal (col. 7, lines 5-17).

10.   As per claims 11 and 24, Venkatraman teaches the invention as claimed in claims

9 and 22 above. Venkatraman further teach wherein the server device comprises a home

device (col. 3, lines 53-56) and includes at least one controllable function (col. 8, lines 1-

4).

Claim Rejections – 35 USC 103

11.   Claims 12-17, 25-30, 34, 35 and 36 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Venkatraman in view of Eyer et al , U.S. Patent 5,982,445 (hereinafter

Eyer).

12.   Eyer was cited in the previous office action.

13.   As per claims 12 and 25, Venkatraman teaches the invention as claimed in claims

11 and 24 above. Venkatraman does not specifically teach menu for selecting server

device among a plurality of server devices. Eyer teaches creating a menu (fig. 5) for

selecting said server device among a plurality of server devices to activate said

controllable function (col. 12, lines 31-35); and

displaying said menu on a browser based device (col. 12, lines 28-30; col. 4, lines 21-40; col. 1, lines 25-31).

14.   It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Venkatraman and Eyer because Eyer's teaching of menu for selecting server device among a plurality of server devices would increase the efficiency of Venkatraman's system by allowing one interface for controlling a plurality of devices instead of plurality of separate interface for each of the devices.

15.   As per claims 13 and 26, Venkatraman and Eyer teach the invention substantially as claimed in claims 12 and 25 above. Venkatraman and Eyer further teach wherein said menu comprises a first web page including at least one hypertext link to a second web page (see Eyer, col. 13, lines 23-31) contained within said server device (see Venkatraman, col. 3, lines 43-45; col. 8, lines 39-43).

16.   As per claims 14 and 27, Venkatraman and Eyer teach the invention substantially as claimed in claims 13 and 25 above. Venkatraman and Eyer further teach the step of creating the menu further includes the steps of: (i) creating a device link page (see Eyer, fig. 5) from the home network, wherein the device link page includes at least one device control for each of the plurality of server devices (see Eyer, col. 12, lines 23-27), and (ii) associating a hypertext link with each device control, wherein the hypertext link provides

a link to at least one type of graphical and textual information contained in the server

device (see Venkatraman, col. 8, lines 39-43) and associated with the device control (see

Eyer, col. 13, lines 23-31); and

the steps of displaying said menu includes the steps of displaying said device link page

(see Eyer, col. 12, lines 28-30; col. 4, lines 21-40; col. 1, lines 25-31).

17.   As per claims 15 and 28, Venkatraman and Eyer teach the invention substantially

as claimed in claims 14 and 27 above. Venkatraman further teach said device link page

comprises a first web page or a first html page including at least one hypertext link to a

second web page or a second html page contained within said server device (col. 3, lines

43-45; col. 8, lines 39-43).

18.   As per claims 16 and 29, Venkatraman and Eyer teach the invention substantially

as claimed in claims 14 and 27 above. Eyer further teach generating a device link file,

wherein the device link file identifies the plurality of server devices (col. 12, lines 31-35);

and

creating the device link page including said device control associated with the plurality of

server devices identified in the device link file (col. 12, lines 31-35).

19.   As per claims 17 and 30, Venkatraman and Eyer teach the invention substantially

as claimed in claims 16 and 29 above. Venkatraman further teach associating a logical

device name with the server device (col. 6, line 39; col. 7, lines 1-4); and

storing the logical device name in the device link file (col. 6, line 39; col. 7, lines 1-4).

20.   As per claim 34, Venkatraman and Eyer teach the invention substantially as

claimed in claim 25 above. Venkatraman further teach the menu generator is a

component of the client device (col. 6, lines 57-59).

21.   As per claim 35, Venkatraman and Eyer teach the invention substantially as

claimed in claim 25 above. Venkatraman further teach the browser is a component of the

client device (col. 6, lines 57-59).

22.   As per claim 36, Venkatraman and Eyer teach the invention substantially as

claimed in claim 25 above. Venkatraman further teach the client device includes said

browser based device (col. 6, lines 57-59) (client device including the browser).

23.   Claims 20, 21 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Venkatraman in view of Armstrong et al, U.S. Patent 5,432,789 (hereinafter

Armstrong).

24.   Armstrong was cited in the previous office action.

25.   As per claim 20, Venkatraman teaches the invention as claimed in claim 11

above. Although Venkatraman teaches server device connected to the home network

(fig. 2), however, Venkatraman does not teach detecting server device. Armstrong

teaches the steps of detecting that the server device is currently connected to the network (abstract).

26.   It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Venkatraman and Armstrong because Armstrong's teaching of detecting server device would allow client device in Venkatraman's system to automatically determine the topology of the network with connected server devices.

27.   As per claims 21 and 33, Venkatraman teach the invention as claimed in claims 11 and 22 above. Although Venkatraman teaches server device connected to the home network (fig. 2), however, Venkatraman does not teach detecting server device. Armstrong teaches the steps of detecting an active status of the server device currently connected to the network (abstract).

28.   It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Venkatraman and Armstrong because Armstrong's teaching of detecting server device would allow client device in Venkatraman's system to automatically determine the topology of the network with connected server devices.

29.   Claims 18-19 and 31-32 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Venkatraman and Eyer in view of Chang et al, U.S. Patent 5,974,449

(hereinafter Chang).

30.   Chang was cited in the previous office action.

31.   As per claims 18 and 31, Venkatraman and Eyer teach the invention substantially

as claimed in claims 17 and 29 above. Although Venkatraman further teach retrieving a

logical device name from the device link file (col. 6, line 39, e.g., Printer

Name>Portdv9); and storing the logical device name in the device link page (col. 6, lines

56-59) (retrieving the Printer Name from the HTML file in order to render the displayed

web page with stored Printer name shown in 64, fig. 3), however, Venkatraman and Eyer

do not teach converting the logical device name to a device control. Chang teaches

converting the logical device name to the device control (col. 8, line 49-col. 9, line 3)

(converting server sf_cp to a "play" command: http:H/sf_cp.com/jdoe/play).

32.   It would have been obvious to one having ordinary skill in the art at the time of

the invention was made to combine the teachings of Venkatraman, Eyer and Chang

because Chang's teaching of converting the logical device name to a device control

would allow a user in Venkatraman's and Eyer's systems to command a remote device

over a network.

33.   As per claims 19 and 32, Venkatraman, Eyer and Chang teach the invention

substantially as claimed in claims 18 and 31 above. Venkatraman further teach said

device link page comprises a first web page or a first html page including at least one

hypertext link to a second web page or a second html page contained within said server

device (col. 3, lines 43-45; col. 8, lines 39-43).

34.   Applicant's arguments with respect to claims 9-36, filed 03/26/08, have been fully

considered but they are not persuasive.

35.   In the remark, applicant argued that:

          (1)   A system comprising device are statutory

          (2)   Venkatraman fails to teach receiving a second request

          signal requesting a web page contained within said server device

          and associated with a device control of said server device, wherein

          said second request signal is generated in response to said server

          device characteristic data; and sending said web page in response

          to said second request signal.

          (3)   Venkatraman fails to teach sending said server device

          characteristic data to client device.

          (4)   Venkatraman fails to teach the server device comprises a

          home device as claimed.

          (5)   There is no motivation to incorporate such remote web

          server (such as hp.com) into the home network as taught by Eyer.

(6)   Eyer fails to teach generating a device link file, wherein the device link file identifies the plurality of server devices; and creating the device link page including said device controls associated with the plurality of server devices identified in the device link file as claimed.

(7)   Armstrong fails to teach the device link page as claimed in claims 20, 21 and 33.

(8)   There is no motivation to combine Venkatraman, Eyer and Chang.

(9)   The cited references fail to teach converting the logical device name to a device control.

36.   In response to point (1), as stated in the previous office action, according to page 23, line 17 of the specification, a number of software agents are (i.e., software per se) representing devices. Based on the teaching of the specification, claims 22-36 are rejected under 35 U.S.C. 101 because "A home network system" comprising a server device and a client device (i.e., software) does not include any functional structure (hardware structure) of a system (i.e., an apparatus). An apparatus comprising software is considered as program per se, which is not one of the categories of statutory subject matter. Examiner suggests amending claim 22 to comprise "a memory" (i.e., hardware structure) to overcome the 101 rejection.

37.   In response to points (2) and (3), Venkatraman teaches hyperlinks contains in a

web page 18 direct the browser 40 to other web pages (e.g., publications)contained within

the device 10 (col. 3, lines 43-45; col. 7, lines 5-22). This means the device 10 must

receive a request signal corresponding to the selection of a hyperlink on webpage 18 in

order to direct the browser to other web pages. These other web pages (e.g.,

publications) contain new and updated software driver routines for the device 10 (col. 7,

lines 20-22) (i.e., associated with server device control). Venkatraman further teach web

page 18 reflects the state of information and control buttons for the device 10 (col. 3,

lines 34-42). This means the browser is direct to other web pages (via a request signal) in

response to the device characteristic data (web page 18 reflecting the state of information

and control button for the device). The other web pages are directed to the browser in

response to the second request signal (col. 7, lines 5-7) (i.e., directing the publications to

be rendered on the browser in response to selecting a hyperlink causing a request signal

to be sent).

38.   In response to point (4), Venkatraman teaches various example of device 10

(server device) as home devices (col. 3, lines 53-56) (e.g., television, appliance such as

refrigerators, washing machines, etc.).

39.   In response to point (5), as explained in point (4) above, Venkatraman teaches the

remote web servers (device 10) as home devices (col. 3, lines 53-56). In addition,

Venkatraman teaches devices may be implemented in a home-based network (col. 5, lines

44-50). Therefore, it would have been obvious to one having ordinary skill in the art at

the time of the invention was made to combine the teachings of Venkatraman's home

devices in a home-based network into the home network of Eyer.

40.   In response to point (6), Eyer teaches creating a HTML/HTVP web page on a

display screen including function call buttons associated with various server devices

(fig.5; col. 12, lines 20-35, e.g., devices such as TV, home system) (i.e., creating a device

line page). The HTML/HTVP web page is created based on HTML/HTVP file (col. 8,

lines 1-11). This means the HTML/HTVP file (device link file) must identifies the

plurality of devices (e.g., TV, home system) in order to create the HTML/HTVP web

page on the screen with controls of various server devices.

41.   In response to point (7), applicant's argument that the references fail to show

certain features of applicant's invention, it is noted that the features upon which applicant

relies (i.e., device link page) are not recited in the rejected claim(s) 20, 21 and 33.

Although the claims are interpreted in light of the specification, limitations from the

specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26

USPQ2d 1057 (Fed. Cir. 1993). As explained in point (6) above, Eyer teaches the

claimed "device link page".

42.   In response to point (8), applicant's argument that there is no suggestion to

combine the references, the examiner recognizes that obviousness can only be established

by combining or modifying the teachings of the prior art to produce the claimed invention

where there is some teaching, suggestion, or motivation to do so found either in the

references themselves or in the knowledge generally available to one of ordinary skill in

the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*,

958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been

obvious to one having ordinary skill in the art at the time of the invention was made to

combine the teachings of Venkatraman, Eyer and Chang because Chang's teaching of

converting the logical device name to a device control would allow a user in

Venkatraman's and Eyer's systems to command a remote device over a network..

43.   In response to point (9), Chang teaches changing a logical server name (logical

device name), "sf_cp.com/jdoe" to a "PLAY" command, "http:H/sf_cp.com/jdoe/play"

(col. 8, line 49-col. 9, line 3).

44.   A shortened statutory period for reply to this Office action is set to expire THREE

MONTHS from the mailing date of this action. Any inquiry concerning this

communication or earlier communications from the examiner should be directed to Philip

C Lee whose telephone number is (571)272-3967. The examiner can normally be

reached on 8 AM TO 5:30 PM Monday to Thursday and every other Friday. If attempts

to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob

Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

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more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

/Philip C Lee/

Patent Examiner, Art Unit 2152